

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
NOVEMBER 5, 2003

The Tippecanoe County Commissioners held a Special Meeting on Wednesday, November 5, 2003 at 9:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, Acting County Attorney Jay Seeger, and Secretary Pauline E. Rohr.

President Benson called the meeting to order.

PUBLIC HEARING: Vacation of CR 550 E between Frontage Road and South to the end. Tabled October 6, 2003

- Commissioner Shedd moved to take the request to vacate CR 550 E between Frontage Road and south to the end from the table, seconded by Commissioner Knochel; motion carried.

Attorney Dan Teder represented Kelley and Gutherie Carr, owners of the property located at the south end of CR 550 E that will lose access if the road is vacated.

Highway Executive Director Mark Albers reported the farm lane on the Carr Farm that runs south to CR 200 S was tested for weak areas with a loaded 18 ton truck and seven core samples were taken along the entire lane. He estimated materials to make the lane a suitable access will cost \$3,300. Mr. Albers said there is an agreement with Shaw Farms LLC to grant the County a delay of doing the improvements to the Carrs' lane until summer or give the County 30 days notice if ownership of the Shaw property changes. Mr. Albers recommended approving the vacation of CR 550 E because he said it is too costly to the taxpayers to maintain.

Mr. Teder said it was his understanding that the Carrs will be allowed continued access of CR 550 E for a period of time after the vacation is approved. Attorney Seeger responded the County will have no control after the vacation, but said the Shaws can allow the Carrs continued use of the road.

Mr. Teder said it was also his understanding that the County will continue to maintain the road, but Commissioner Shedd said the County will have no jurisdiction to maintain the road if it is vacated. Mr. Teder then suggested the County proceed with improving the farm lane to the south because he said it could be at least five years before the Carrs' property is developed.

Commissioner Knochel said he thinks it is wrong for the County to vacate the road and then not maintain it if the Shaws agree to give them access for a period of time. He said the Interstate cut off other access to the Carrs' property and, even if the County has to purchase right-of-way off McCarty to give them access, he thinks the economic development impact for the County resulting from Interstate 65 more than pays that cost.

Commissioner Knochel asked if the Carrs are willing to give the County access to improve the farm lane. Kelley Carr responded the improvements to the farm lane may not be necessary if CR 550 E is left open and maintained by the County until the Shaws sell their land. In the meantime, if they (Carrs) sell their property, he said the new owner may put in a better access to the property than the farm lane. He thinks CR 550 E still has utility use for the Shaws until their land is sold. In addition, Mr. Carr thinks the cost of \$3,300 for improving the lane is understated because it doesn't include personnel and equipment costs. Estimates they received were in the \$28,000 to \$35,000 range.

Mr. Albers said he doesn't see the need for further maintenance or snow removal by the County once the farm lane is installed. He said snow removal will be a minimal cost for the resident.

President Benson summarized the options as she sees them:

- * Do not vacate CR 550 E and negotiate the County's purchase of right-of-way from the Shaws for access to the Carrs' property.
- * Vacate the road and let the Carrs and Shaws reach an agreement.
- * Facilitate an agreement between the Shaws and Carrs for continued access for the resident on the Carrs' property until the County can improve the farm lane to the south.

She does not see the vacation of CR 550 E and the addition of a \$30,000 improved lane to the south including County maintenance as an option.

Commissioner Shedd proposed:

- * Vacate CR 550 E and let the Carrs and Shaws enter into an agreement on access.
- * If the Shaw property is sold and the Carrs have no access, the County will then improve the farm lane to the south but will not provide maintenance.

Commissioner Knochel proposed:

- * The County should vacate CR 550 E and improve and maintain the farm lane to the south. The Carrs had no control over I-65 cutting off their access. He said the County has an obligation to provide access.

Mr. Teder pointed out the Carrs are in the process of rezoning their property with the intent of selling and/or developing it. If the vacation is approved, Mr. Teder said they will need a written agreement to give the Carrs temporary right-of-way through the Shaws' property to the north until the County completes improvement of the farm lane to the south.

Commissioner Shedd asked Attorney Seeger to meet with the Shaws' attorney to negotiate an agreement with the Carrs. Attorney Seeger said he can do that but advised against approving the vacation today.

- Commissioner Shedd moved to table the vacation request until 9:00 A.M., Monday, December 1, 2003, seconded by Commissioner Knochel; motion carried.

ADJOURNMENT

- Commissioner Knochel moved to adjourn, seconded by Commissioner Shedd; motion carried.

Robert A. Plantenga, Auditor